

Applicants: Boris Ginzburg et al.
Serial Number: 10/658,614

Assignee: Intel Corporation
Attorney Docket: P-5911-US

REMARKS

Applicants have carefully studied the Office Action. This paper is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Status of the Claims

Claims 1-33 are pending in the Application. Claim 32 has been amended. No new matter has been added.

Claim Objections

The Office Action objected to claim 32 because of an informality. Applicants respectfully submit that the present amendment to claim 32 overcomes this objection.

Claim Rejections Under 35 USC §103(a)

The Office Action rejected claims 1-33 under 35 USC §103(a) as being unpatentable over Fischer et al. ("Fischer"), U.S. Patent No. 5,889,772, in view of Diener, U.S. Patent Application Publication No. 2004/0047324.

Applicants respectfully submit that the rejection of claims 1-33 under 35 USC §103(a) as being unpatentable over Fischer in view of Diener should be withdrawn.

With respect to independent claims 1 and 19, the Examiner has asserted that Fischer discloses "comparing a first bit error rate for transmissions without request to send protection with a second packet error rate for transmissions with request to send protection." Applicants respectfully submit that Fischer lacks this limitation.

In particular, Fischer fails to disclose the step of comparing the first and second packet error rates. The Examiner's citation of Fischer shows Fischer's use of a single measurement to adjust request to send protection (Fischer's airtime reservation) directly: "In accordance with one aspect of the invention, the control unit determines whether an airtime reservation is provided for transmission of each of the frames, and dynamically

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adjusts a threshold level for transmission of the airtime reservation requests to the destination station, based on the number of attempts made to transmit a frame to the destination and the number of failures to received an acknowledgement, when the airtime reservation is not provided for transmission of the frame.” (Fischer, column 4, lines 52-60, emphasis added). There is no disclosure of a step comparing when the airtime reservation is provided and when it is not provided.

The Diener reference does not cure the deficiencies of Fischer. The Examiner does not assert that Diener has the comparison of the first and second packet error rates, and in fact Diener lacks this comparison.

Since neither of Fischer and Diener, alone or in combination, include all elements of Applicants’ claims 1 or 19, Applicants respectfully submit that independent claims 1 and 19 are patentable over Fischer and Diener, alone or in combination.

Each of claims 2-8 and 20-21 depends from one of claims 1 or 19 and includes all of the features of one of these independent claims as well as additional distinguishing features, and is therefore similarly patentable.

With respect to independent claim 9, the Examiner has asserted that Fischer discloses “adjusting request to send protection if said first bit error rate is below a collision rate threshold.” Applicants respectfully submit that Fischer lacks this limitation.

In particular, Fischer fails to disclose a collision rate threshold. The Examiner’s citation of Fischer states “a ratio of DA_contention_fails count incremented in step 318 to the DA_contention_attempts counted incremented in step 314 is proportional to an adjustment that should be made to the RTS/CTS threshold for a given destination address to modify it in accordance with the current bandwidth load of the station corresponding to that destination address.” (Fischer, column 10, lines 25-31, emphasis added). No collision rate threshold is disclosed.

The Diener reference does not cure the deficiencies of Fischer. The Examiner does not assert that Diener has the collision rate threshold, and in fact Diener lacks this threshold.

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Since neither of Fischer and Diener, alone or in combination, include all elements of Applicants' claim 9, independent claim 9 is patentable over Fischer and Diener, alone or in combination.

Each of claims 10-18 depends from claim 9 and includes all of the features of claim 9 as well as additional distinguishing features, and is therefore similarly patentable.

With respect to independent claims 22, 25, and 31, the Examiner has asserted that Fischer discloses "a comparator to compare a first bit error rate of transmissions without request to send protection with a second bit error rate with request to send protection." Applicants respectfully submit that Fischer lacks this limitation for the same reason as stated above, specifically that Fischer does not disclose a comparison of the two bit error rates. The Diener reference does not cure the deficiencies of Fischer.

Each of claims 23, 24, 26-30, and 32-33 depends from one of claims 22, 25 and 31 and includes all of the features of these claims respectively as well as additional distinguishing features, and is therefore similarly patentable.

Therefore, Applicants respectfully submit that independent claims 22, 25, and 31 and claims 23, 24, 26-30, and 32-33 are patentable over Fischer and Diener, alone or in combination.

In view of the above, Applicants respectfully request that the rejection of claims 1-33 under 35 USC §103(a) as being unpatentable over Fischer in view of Diener be withdrawn.

Conclusion

In view of the foregoing remarks, and for at least the reasons discussed above, Applicants respectfully submit that the pending claims are allowable. Their favorable reconsideration and allowance are respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the

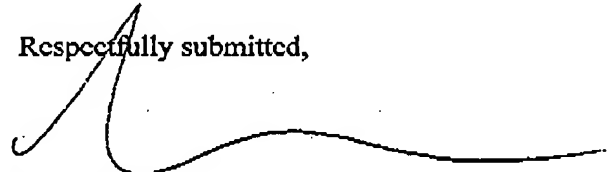
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prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

No fees are believed to be due in connection with this paper. However, if any such fees are due, please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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